

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1-13 have been amended. Claims 14-22 have been added. Claims 1-22 are pending for further examination.

Claims 7 and 8 stand rejected under 35 U.S.C. §112 as being indefinite. Applicant has corrected the noted problems with these claims and respectfully requests withdrawal of this rejection.

Applicant appreciates the Examiner's indication that claims 6-9 would be allowable if rewritten in independent form and if the indefiniteness problems of claims 7 and 8 were rectified. Applicant has corrected claims 7 and 8 and rewritten claims 6-9 in independent form.

Claims 1-2 and 11-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Oakes et al. (U.S. App. No. 2004/0063498). Applicant submits that Oakes does not teach or suggest all elements of the claimed combination.

For example, claim 1 recites, *inter alia*, "a display for displaying a parent device list of the parent devices existing within the communicable range, based on said parent device packets received by said receiver, said displayed parent device list including a plurality of parent devices if a plurality of parent devices exist within the communicable range."

According to the Office Action, Oakes teaches “a display 226 for displaying a server unit list existing within the communicable range, based on said server game communications or control signals received by said receiver. ([0023; 0045; 0071], FIG. 2). Applicant notes, however, that in every cited paragraph, Oakes simply teaches a single server. There is no teaching or suggestion, in the cited paragraphs or elsewhere, that the alleged “list” of servers is displayed.

The Office Action tries to compensate for this notable deficiency of Oakes by stating “prior art discloses a selectable server unit meaning that more than one servers exist, at least in a list, that are in communication with the client units based on the disclosed control signals.” Applicant submits that the inference drawn by this sentence is incorrect. A “selectable server unit” displayed on a client could simply be a single unit, displayed on a client, which is either selected or not selected. This would still comprise a selectable server unit, and would not require or teach a list of servers. Further, this is likely what Oakes meant by “a selectable server unit,” since there is not a single mention of more than one server at any point in Oakes.

Oakes does teach that any of the devices can act as a server, but, every time a server is mentioned, Oakes also teaches only one of the devices performing that role. Oakes also teaches performing a server search, but there is no teaching or disclosure that this is a search for more than a single server. There is nothing in Oakes to suggest that, once a compatible server is found, this search continues.

For at least this reason, Applicant submits that claim 1 is allowable over the prior art of record. Claims 11-13 contain similar recitations and should be allowable for at least the same reasons. Claim 2 should be allowable based at least on its dependency from allowable claim 1.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oakes in view of Bluetooth Specification version 1.0B. Bluetooth Specification version 1.0B does not cure the noted deficiency of Oakes, however, so claim 3 should be allowable based at least on its dependency from allowable claim 1.

Claims 4 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oakes in view of Burr (U.S. Pat. App. No. 2003/0079003). Burr does not cure the noted deficiency of Oakes, however, so claims 4 and 10 should be allowable based at least on their dependency from allowable claim 1.

Applicant notes that Burr explicitly states, “In contrast to the typically-envisioned computer network, a MANET does not consist of separate servers and clients. Instead, each mobile device acts as both client and server.” Thus, one of skill in the art would not have been motivated to apply the teachings of Burr to the teachings of Oakes, since Oakes discloses a typically-envisioned network, where a device can be a client or a server, but not a network as disclosed in Burr, where each device must function as a client and a server. Burr’s alleged list of “parent” devices makes sense in the ad-hoc setting of Burr, since every device is a “parent” device. One of skill in the art would not have applied this ad-hoc network solution to a conventional network (as taught in Oakes),

however, since there is only a need for one sever in the conventional network, as shown by Oakes. That is, since all the devices in Oakes do not need to function as “parent” devices, there is no need to have every device show a list of every other compatible device.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oakes in view of Burr and further in view of Darling et al (PCT Pub. WO 93/231125). Darling does not cure the noted deficiency of the Oakes/Burr combination, however, so claim 5 should be allowable based at least on its dependency from allowable claim 1.

Further, claim 5 recites, *inter alia*, “said display displays in said parent device list at least one parent device that executes a game not communicable with the game of the game cartridge currently attached thereto.”

According to the Office Action, Oakes and Darling fail to teach this element, but Burr discloses “displaying a device list (235) that comprises of applications that are not compatible among given networked devices in a communication area (see FIGS. 6-8).” This is an incorrect interpretation of what is shown in FIGS. 6-8.

Burr, in FIG. 6 shows two sub-networks, of which only Harry and Aaron are members of both ([0045]). Then, in FIG. 7, Burr shows the device list of Aaron’s device. Specifically, everyone in the device list is running program 1 or 2, both of which are being run by Aaron. ([0046]). Paragraph 46 further states “A person skilled in the art ... will understand that Aaron’s routing table includes members of both sub-networks only because Aaron is a member of both sub-networks.” Thus, Burr explicitly points out that

only people running a similar application (Aaron running both programs 1 and 2) will be shown the other members running that application (see [0046] for further explanation of how this is taught in Burr). Claim 5, on the other hand, recites "said display displays in said parent device list at least one parent device that executes a game not communicable with the game of the game cartridge currently attached thereto." In other words, if the device list of Burr were construed to be a parent device list, this would be the equivalent of that list showing devices not running the same program that is run on the displaying device. Exactly the opposite of what is taught in paragraph 46. FIG. 8 is just a different display of the list of FIG. 7, showing the users with whom Aaron may communicate.

For at least this independent reason, Applicant submits that claim 5 is allowable over the Burr/Oakes/Darling combination.

Claims 14-22 have been added. Claims 18-21 are computer readable memory-medium claims corresponding to allowable claims 6-9 and should be allowable for at least the same reason claims 6-9 are allowable. Claims 14-17 and 22 should be allowable based at least on their dependency from allowable claim 12.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Should the Examiner have any questions, please do not hesitate to call the undersigned attorney at the phone number below.

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Respectfully submitted,

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